



## **Texas Department of Insurance**

### **Division of Workers' Compensation**

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

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## **MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION**

### **GENERAL INFORMATION**

**Requestor Name**

G. PETER FOOX, MD

**Respondent Name**

CONTINENTAL CASUALTY CO

**MFDR Tracking Number**

M4-13-2678-01

**Carrier's Austin Representative**

Box Number 47

**MFDR Date Received**

JUNE 18, 2013

### **REQUESTOR'S POSITION SUMMARY**

**Requestor's Position Summary:** The requestor did not submit a position summary.

**Amount in Dispute:** \$303.47

### **RESPONDENT'S POSITION SUMMARY**

**Respondent's Position Summary:** "On the matter of CPT Code 97750-59, the Fee Schedule allowance amount is \$49.53. The HCP was paid \$49.53...On the matter of CPT Code 99205, the HCP's documentation is lacking to meet the criteria for CPT code 99205 as defined by the 2012 AMA CPT Standard Edition guidelines for E&M coding."

**Response Submitted by:** Law Offices of Brian J. Judis

### **SUMMARY OF FINDINGS**

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
December 14, 2012	CPT Code 99205 Office Visit	\$296.00	\$0.00
	CPT Code 97750-59 Physical Performance Test	\$7.47	\$0.00
	CPT Code 99080-73 Work Status Report	\$0.00	\$0.00
TOTAL		\$303.47	\$0.00

### **FINDINGS AND DECISION**

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

**Background**

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.203 effective March 1, 2008, sets the reimbursement guidelines for the disputes service.
3. The services in dispute were reduced/denied by the respondent with the following reason codes:

- 16-Claim/service lacks information which is needed for adjudication. Additional information is supplied using remittance advice remarks codes whenever appropriate.
- 222-Exceeds the contracted maximum number of hours/days/units by this provider for this period. This is not patient specific.
- W1-Workers compensation state fee schedule adjustment.
- XS18-Services Denied.
- MT03-Physical Medicine – Chiropractic Services rendered beyond \$5,000.00 since DOI.
- MT05-Physical Medicine – Chiropractic Services rendered beyond 90 days from DOI.
- MT08-Physical Medicine – Chiropractic Services rendered beyond 60 days from DOI.
- MT07-Physical Medicine – Chiropractic Services rendered beyond 15 visits since DOI.
- 150-Payer deems the information submitted does not support this level of service.
- V122-The level of E&M code submitted is not supported by documentation.

### **Issues**

1. Does the documentation submitted support billing CPT code 99205?
2. Is the requestor entitled to additional reimbursement for CPT code 97750-59?

### **Findings**

1. The American Medical Association (AMA) Current Procedural Terminology (CPT) defines code 99205 as "Office or other outpatient visit for the evaluation and management of a new patient, which requires these 3 key components: A comprehensive history; A comprehensive examination; Medical decision making of high complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of moderate to high severity. Typically, 60 minutes are spent face-to-face with the patient and/or family."

According to the submitted explanation of benefits (EOBs), the respondent denied reimbursement for the office visit based upon reason codes "16" and "150."

The respondent contends that: "CPT 99205 office visit documentation would require:

- A comprehensive History Component: which would consist of:
  - History of presenting illness –satisfied
  - Review of systems – not satisfied
  - Past family, social, history – not satisfied – no family history provided
- A comprehensive Exam – not satisfied
- A high complexity Medical Decision Making (MDM) – not satisfied.

The recommendation based on the treatment noted provided would be a 99203."

The Division finds that the requestor did not document the three key components required by code 99205. As a result, the respondent's denial of reimbursement based upon reason codes "16" and "150" is supported.

2. 28 Texas Administrative Code §134.203(b) states "For coding, billing, reporting, and reimbursement of professional medical services, Texas workers' compensation system participants shall apply the following:
  - (1) Medicare payment policies, including its coding; billing; correct coding initiatives (CCI) edits; modifiers..."

CPT code 97750 is defined as "Physical performance test or measurement (eg, musculoskeletal, functional capacity), with written report, each 15 minutes."

Per 28 Texas Administrative Code §134.203(c)(1)(2), "To determine the MAR for professional services, system participants shall apply the Medicare payment policies with minimal modifications.

(1) For service categories of Evaluation & Management, General Medicine, Physical Medicine and Rehabilitation, Radiology, Pathology, Anesthesia, and Surgery when performed in an office setting, the established conversion factor to be applied is \$52.83. For Surgery when performed in a facility setting, the established conversion factor to be applied is \$66.32.

(2) The conversion factors listed in paragraph (1) of this subsection shall be the conversion factors for calendar year 2008. Subsequent year's conversion factors shall be determined by applying the annual percentage adjustment of the Medicare Economic Index (MEI) to the previous year's conversion factors, and shall be effective January 1st of the new calendar year. The following hypothetical example illustrates this annual adjustment activity if the Division had been using this MEI annual percentage adjustment: The 2006 Division

conversion factor of \$50.83 (with the exception of surgery) would have been multiplied by the 2007 MEI annual percentage increase of 2.1 percent, resulting in the \$51.90 (with the exception of surgery) Division conversion factor in 2007.”

To determine the MAR the following formula is used: (DWC Conversion Factor/Medicare Conversion Factor) X Participating Amount = Maximum Allowable Reimbursement (MAR).

The 2012 DWC conversion factor for this service is 54.86.

The Medicare Conversion Factor is 34.0376.

The Medicare participating amount for code 97750 is \$30.73.

Using the above formula, the MAR is \$49.53. The respondent paid \$49.53; therefore, additional reimbursement is not recommended.

### **Conclusion**

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is \$0.00.

### ***ORDER***

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

### **Authorized Signature**

_____	_____	01/09/2015
Signature	Medical Fee Dispute Resolution Officer	Date

### ***YOUR RIGHT TO APPEAL***

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**